

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 1ST DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: January 24, 2005
Court Clerk: B. Graves		Department: 53 Time: 9:00 a.m.
Reporter/Tape: D. Dedmon		
Bailiff: H. Franco/H. Vang		

Plaintiff: The People of the State of California	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian - Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones - Chief Deputy Public Defender	<input type="checkbox"/> Pro Per
		Rafael Torres - Deputy Public Defender	<input checked="" type="checkbox"/> Appearing
			<input type="checkbox"/> Pro Per

The above entitled matter comes on regularly for a case management conference before the Honorable R. L. Putnam at 9:00 a.m. The People, represent by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

All parties agree to the change on the Juror Questionnaire Information, paragraph 3 that the first sentence be in bold letters. Also, all parties agree to the use of the General Juror Questionnaire and the Undue Hardship Questionnaire.

The Court will admonish the jurors and also give them information about what undue hardship is. The Court will further instruct the prospective jurors on how they have to fill out the questionnaire.

The completed questionnaires will be sent to a copying service and returned to the Court in groups by letter and number A-1 through A-24. The Juror Identification Data and Verification will be removed from the questionnaire prior to being sent to the copying service so that the prospective jurors will only be known by their letter and number.

The Court and counsel will meet in Department 53 at 2:30 p.m. on January 25, 2005 to review hardship questionnaires. All parties that submitted requests for hardship will return on January 26, 2005 at 9:00 a.m. in Department 53 for further questioning.

Individual questioning of the prospective jurors will begin with 24 prospective jurors on the first day and possibly 32 the following days.

The Court orders the juror questionnaires to be sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

(1) There is an overriding interest that overcomes the right of public access to the records being sealed;

(2) These interests support sealing the records;

(3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;

(4) The sealing is narrowly tailored;

(5) No less restrictive means exist to achieve the overriding interest.

The designated record will remain sealed until further order of the Court.

Chief Deputy Public Defender, Peter Jones moves to exclude the public and media from the individual voir dire. Motion is denied without prejudice.

Chief Deputy District Attorney, Lisa Gamoian, in open court, files the Peoples' Request For Jury Instructions and the proposed Verdict forms. Court orders that any further requests for jury instructions be filed by February 18, 2005.

All parties agree to use the "6 pac" Voir Dire. Each party has 20 preemptory challenges for cause. All parties have agreed to 5 alternate jurors. Each party shall receive an additional 5 preemptory challenges for the alternates. All parties agree to the time limits of 45 minutes on the first round of Voir Dire and 15 minutes for each additional group called to the jury box.

The parties have agreed to a neutral statement of facts.

Court orders a completed witness list by February 18, 2005. Court also instructs the parties that all exhibits are to be pre-marked.

Lisa Gamoian, Chief Deputy District Attorney, requests the Court to order the following witnesses to return to Court on March 3, 2005 at 9:00 a.m. : Elizabeth Wesson and Kiani Wesson. The Court orders them to be present on March 3, 2005 at 9:00 a.m. in Dept. 53.

Lisa Gamoian, Chief Deputy District Attorney, requests the Court the following witness to return to the Court on March 7, 2005 at 9:00 a.m. in Dept. 53 : serafino Wesson, Almae Wesson, Marcus Wesson Jr, Gypsey Wesson and Rosa Solorio. The Court orders them to be present on March 7, 2005 at 9:00 a.m. in Dept. 53.

Lisa Gamoian, Chief Deputy District Attorney, personally serves in open Court the protective order. Witnesses are excused at 9:30 a.m.

Lisa Gamoian, Chief Deputy District Attorney, requests that a body attachment issue for the non- appearance of Rosemary Solorio. The Court orders the body attachment for Rosemary Solorio be issued and stayed until January 25, 2005 at 2:30 p.m.

The People reserve the right to file Motions in Limine.

Lisa Gamoian, Chief Deputy District Attorney, files in open court, a 2nd Amended Information.

Peter Jones, Chief Deputy Public Defender, on behalf of his client, waives formal arraignment, waives his constitutional and statutory rights and enters pleas of not guilty to all charges and denies the special circumstances. Court further orders the parties to continue to provide discovery to each other.

The Court orders a Status Conference and Transcript Certification hearing set for January 31, 2005 at 9:00 a.m. in Dept. 53.

The Court adjourns at 9:39 a.m. until January 25, 2005 at 10:15 a.m. in the Fresno County Plaza Ballroom for Jury Selection.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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